

AMENDED IN SENATE JULY 2, 2013

AMENDED IN SENATE JUNE 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 422**

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**Introduced by Assembly Member Nazarian**

February 15, 2013

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An act to amend Section 49557.2 of the Education Code, relating to public schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 422, as amended, Nazarian. School lunch program applications: health care notice.

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals. Existing law authorizes the sharing of the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination for pupils eligible for free meals. Existing law provides for the sending of a Healthy Families Program application to pupils determined to be ineligible for Medi-Cal coverage.

This bill would, commencing January 1, 2014, require the notices to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or

the California Health Benefit Exchange, respectively. The bill would authorize a school district also to include the notices in certain notifications required at the beginning of the first semester or quarter of the regular school term. *The bill would require a county that receives the information provided on a school lunch program application, for a pupil who is not already enrolled in a health insurance affordability program, to treat the school lunch program application as an application for a health insurance affordability program, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49557.2 of the Education Code is  
2 amended to read:  
3 49557.2. (a) (1) At the option of the school district or county  
4 superintendent, and to the extent necessary to implement Section  
5 14005.41 of the Welfare and Institutions Code, the following  
6 information may be incorporated into the School Lunch Program  
7 application packet or notification of eligibility for the School Lunch  
8 Program using simple and culturally appropriate language:  
9 (A) A notification that if a child qualifies for free school lunches,  
10 then the child may qualify for free or reduced-cost health coverage.  
11 (B) A request for the applicant's consent for the child to  
12 participate in the Medi-Cal program, if eligible for free school  
13 lunches, and to have the information on the school lunch  
14 application shared with the entity designated by the State  
15 Department of Health Care Services to make an accelerated  
16 determination and the local agency that determines eligibility under  
17 the Medi-Cal program.  
18 (C) A notification that the school district will not forward the  
19 school lunch application to the entity designated by the State  
20 Department of Health Care Services to make an accelerated  
21 determination and the local agency that determines eligibility under  
22 the Medi-Cal program, without the consent of the child's parent  
23 or guardian.  
24 (D) A notification that the school lunch application is  
25 confidential and, with the exception of forwarding the information  
26 for use in health program enrollment upon the consent of the child's  
27 parent or guardian, the school district will not share the information

1 with any other governmental agency, including the federal  
2 Department of Homeland Security and the Social Security  
3 Administration.

4 (E) A notification that the school lunch application information  
5 will only be used by the entity designated by the State Department  
6 of Health Care Services to make an accelerated determination and  
7 the state and local agencies that administer the Medi-Cal program  
8 for purposes directly related to the administration of the program  
9 and will not be shared with other government agencies, including  
10 the Department of Homeland Security and the Social Security  
11 Administration for any purpose other than the administration of  
12 the Medi-Cal program.

13 (F) Information regarding the Medi-Cal program, including  
14 available services, program requirements, rights and  
15 responsibilities, and privacy and confidentiality requirements.

16 (2) ~~The State Department of Education, department,~~ in  
17 consultation with school districts, county superintendents of  
18 schools, consumer advocates, counties, the State Department of  
19 Health Care Services, and other stakeholders, shall make  
20 recommendations regarding the School Lunch Program application,  
21 on or before February 1, 2003. The recommendations shall include  
22 specific changes to the School Lunch Program application materials  
23 as necessary to implement Section 14005.41 of the Welfare and  
24 Institutions Code, information for staff as to how to implement  
25 the changes, and a description of the process by which information  
26 on the School Lunch Program application will be shared with the  
27 county, as the local agency that determines eligibility under the  
28 Medi-Cal program.

29 (3) At the option of the school, the request for consent in  
30 subparagraph (B) of paragraph (1) may be modified so that the  
31 parent or guardian can also consent to allowing Medi-Cal to inform  
32 the school as provided in subdivision (n) of Section 14005.41 of  
33 the Welfare and Institutions Code when followup is needed in  
34 order to complete the Medi-Cal application process.

35 (b) (1) School districts and county superintendents of schools  
36 may implement a process to share information provided on the  
37 School Lunch Program application with the entity designated by  
38 the State Department of Health Care Services to make an  
39 accelerated determination and with the local agency that determines  
40 eligibility under the Medi-Cal program, and shall share this

1 information with those entities, if the applicant consents to that  
2 sharing of information. Schools may designate, only as necessary  
3 to implement this section, non-food service staff to assist in the  
4 administration of free, reduced price, or paid school lunch  
5 applications that have applicant consent, but only if that designation  
6 does not displace or have an adverse effect on food service staff.  
7 This information may be shared electronically, physically, or  
8 through whatever method is determined appropriate.

9 (2) If a school is aware that a child, who has been found eligible  
10 for free school lunches under the National School Lunch Program,  
11 and for whom the parent or guardian has consented to share the  
12 information provided on the application, already has an active  
13 Medi-Cal or Healthy Families case, the application shall not be  
14 processed for an accelerated determination but shall be forwarded  
15 to the local agency that determines eligibility under the Medi-Cal  
16 program pursuant to Section 14005.41 of the Welfare and  
17 Institutions Code. The school shall notify the parent or guardian  
18 of the child's ineligibility for an accelerated Medi-Cal  
19 determination due to the current eligibility status and that the  
20 child's application will be forwarded to the county pursuant to this  
21 section. The notice shall include a statement, with contact  
22 information, advising the parent or guardian to contact the  
23 Medi-Cal or Healthy Families programs regarding the child's  
24 eligibility status.

25 (3) Each school district or county superintendent that chooses  
26 to share information pursuant to this subdivision shall enter into  
27 a memorandum of understanding with the local agency that  
28 determines eligibility under the Medi-Cal program, that sets forth  
29 the roles and responsibilities of each agency and the process to be  
30 used in sharing the information.

31 (4) The local agency that determines eligibility under the  
32 Medi-Cal program shall only use information provided by  
33 applicants on the school lunch application for purposes directly  
34 related to the administration of the Medi-Cal program.

35 (5) After school districts share information regarding the school  
36 lunch application with the entity designated by the State  
37 Department of Health Care Services to make an accelerated  
38 determination and the local agency that determines eligibility under  
39 the Medi-Cal program, for the purpose of determining Medi-Cal  
40 program eligibility, the local agency and the school district shall

1 not share information about school lunch participation or the  
2 Medi-Cal program eligibility information with each other except  
3 as specifically authorized under subdivision (n) of Section  
4 14005.41 of the Welfare and Institutions Code and other provisions  
5 of law.

6 (c) Effective July 1, 2005, the notifications and consent  
7 referenced in subdivision (a) and the procedures set out in  
8 subdivision (b) shall include the Healthy Families Program and  
9 any relevant county- and local-sponsored health insurance programs  
10 as necessary to implement Section 14005.41 of the Welfare and  
11 Institutions Code.

12 (d) Effective January 1, 2014, the notifications referenced in  
13 subdivision (a) shall do all of the following:

14 (1) Advise the applicant that the applicant may be eligible for  
15 reduced-cost comprehensive health care coverage through the  
16 California Health Benefit Exchange.

17 (2) Advise that, if the applicant's family income is low, the  
18 applicant may be eligible for no-cost coverage through Medi-Cal.

19 (3) Provide the applicant with the contact information for the  
20 California Health Benefit Exchange, including its Internet Web  
21 site and telephone number.

22 (4) Comply with the federal Americans with Disabilities Act  
23 of 1990 (42 U.S.C. Sec. 12101 et seq.) and any other applicable  
24 federal or state disabled access law.

25 (e) If a school district finds that the child is eligible for reduced  
26 price or paid meals under the National School Lunch Program and  
27 consent was provided as described in subdivision (b), the entity  
28 designated by the State Department of Health Care Services to  
29 make an accelerated determination shall notify the parent or  
30 guardian of the child's ineligibility for an accelerated Medi-Cal  
31 determination pursuant to Section 14005.41 of the Welfare and  
32 Institutions Code. The notification shall include information on  
33 other available health programs for which the child may be eligible.

34 (f) A school district may also include the notifications in the  
35 notifications at the beginning of the first semester or quarter of the  
36 regular school term required pursuant to Section 48980.

37 (g) *Upon receipt of information provided on the School Lunch*  
38 *Program application pursuant to this section, for a pupil who is*  
39 *not already enrolled in a health insurance affordability program,*  
40 *the county shall treat the School Lunch Program application as*

1 *an application for a health insurance affordability program. For*  
2 *purposes of administration of the Medi-Cal program, the*  
3 *application date shall be the date that the School Lunch Program*  
4 *application is received by the county human services department.*  
5 *The county shall take no further action if it determines that the*  
6 *pupil is already enrolled in a health insurance affordability*  
7 *program.*

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